Crl. Rev. No. 877/01
(Old No. 926 of 1995)
Hon'ble Irshad Hussain, J.

Heard Sri Manoj Tiwari for the revisionist and Sri K. S. Rautela brief holder for the State and perused the record.

The petition was filed filed before the Allahabad High Court where it was not admitted. Having heard the counsel for the revisionist, I find no substance in the submission that there was sufficient evidence which was not properly appraised by the learned Magistrate concerned who acquitted the accused per judgment and order dated 9.5.1995. The reason is that there was considerable delay in lodging the FIR even which was not filed at the police station within the circle of which incident took place. The complainantg-PW1 also admitted in his statement that the night of the incident was dark and he had not identified the assailants. The accused were nominated in the FIR at the instance of the village people and Gramsabha-Pati. Considering this glaring aspect of the matter, the learned Magistrate was fully justified in coming to the conclusion that there was no sufficient evidence to bring home guilt to the accused. There being no perversity in the appreciation of the evidence, the revision cannot be admitted and therefore the same is dismissed in limine.

(Irshad Hussain, J.)

Dated 08.04.2004
Rt.